

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. Applicant would also like to thank the Examiner for his time.

By the present amendment, claims 1, 2, and 17 are amended and claim 27 is cancelled. As such, it is now respectfully submitted that each of the claims 1-12, 14-19, and 23-26 are in condition for allowance.

It is respectfully requested that the rejection of claims 17-19 and 23-25 under 35 U.S.C. 112 be withdrawn. Claim 17 is now amended to recite one range, "90° to 135°," and is amended to provide antecedent basis.

It is respectfully requested that the rejection of claims 17-19, 21-23, and 25 under U.S.C. 102(b) as being anticipated by Breuning (WO 94/29541) be withdrawn. It is also respectfully requested that the rejection of claim 24 under U.S.C. 103(a) as being unpatentable over Breuning and further in view of Oster (WO99/64693) be withdrawn. Applicant respectfully traverses these rejections. On page 3, the Office action states that Breuning teaches the limitation of claim 17 that reads "open lattice constructions that respectively feature an essentially triangular rod construction on the sides thereof, and the lateral rod constructions on one of the sides are offset relative to the other side by approximately half the width of the triangular rod construction." Applicant respectfully traverses this assertion. Claim 17 is amended for clarity and recites "the module (500) is produced from open lattice constructions that respectively feature an essentially triangular rod construction on the sides, and lateral rod constructions on each of the sides are offset by approximately half the width of the triangular rod construction." The Breuning reference does not disclose or suggest this limitation. On pages 7-8, the Office action states that:

the examiner also interprets the lower mesh (12) of Breuning consisting of laterally spaced crossing bars/rods to be the lateral rod constructions of claim 17 such that "the lateral rod construction on one of the sides is offset relative to the other side" by the next crossing bar/rod by a width and this width is approximately half the width of the triangular construction (Fig. 4).

However, the lower mesh (12) of Breuning cannot be interpreted as a lateral rod construction because the lower mesh (12) does not have a triangular configuration, as recited in claim 1. In addition, Breuning shows a side filigree beam (21) that is located on only one side of the hollow

body, not on two of the sides. The beam 21 is not offset as it is connected by a horizontal rod on the same side of each of the hollow bodies 23. Accordingly, Breuning shows structure that is not offset and also does not show or suggest any arrangement for the offset construction on each of the sides of the hollow bodies 23. Claims 18-19, 21-25 depend from claim 17 and are allowable for at least the same reasons. Thus, for at least the reasons provided, Breuning does not disclose each and every element of the claims and withdrawal of this rejection is respectfully requested.

It is respectfully requested that the rejection of claims 1-16 and 26-27 under U.S.C. 103(a) as being unpatentable over Carl (US 4,495,744) in view of Breuning be withdrawn. The Carl reference cannot be combined with the Breuning reference because the Carl reference renders the Breuning reference unsatisfactory for its intended purpose. See MPEP 2145. The Carl reference describes using a grid structure 1 with an outer surface covered by a flexible sheet 2, such as a shrinkable plastic sheet. Col. 4, lines 14-27. Carl further describes that “FIG. 12 is a plate-like structure of concrete 15 formed with a plurality of tunnel-shaped cavities for weight reduction. These cavities are formed by means of a displacement body as shown in FIGS. 5 and 6,” and that “the structures of FIGS. 12 to 15 are made by initially pouring a concrete layer and inserting the displacement body... into the poured layer.” Col. 5, lines 44-47; Col. 6, lines 51-58. In contrast, Breuning describes that “the reinforcement elements are supported by a filigree beam (21) welded to the lower mesh (12) and the upper mesh (22) in order to improve the strength during transport and during casting of the concrete.” The grid of Breuning cannot be anchored in the concrete layer on its own without the addition of the lower mesh (12). The grid of Breuning does not extend over the lower side of the displacers and will not be able to find a hold in the concrete because the beam (21) must be welded to the lower mesh (12). Thus, Breuning will simply float upwardly if used in place of the shells in Carl. Accordingly, Carl would be rendered unsatisfactory for its intended purpose of placing the displacement bodies into an already formed poured layer of concrete.

Even if Carl could be combined with Breuning, the references as a whole still do not disclose or suggest to one of ordinary skill in the art each of the elements recited in claims 1-16 and 26-27. Page 11 of the Office action admits that Carl does not expressly disclose the plurality of adjacently arranged displacers being respectively arranged in a lattice-work of rods; the lattice

being open toward one side, the one side being downward, the lattices situated adjacent to the open side being inclined relative to the lattice, or the modules being produced by caging the displacers in the lattice. Breuning also does not meet each of these limitations. For example, Breuning describes that “the reinforcement elements are supported by a filigree beam (21) welded to the lower mesh (12) and the upper mesh (22) in order to improve the strength during transport and during casting of the concrete.” Accordingly, the structure in Breuning, if placed into the structure of Carl, would not be able to be removed from the semi-finished product, as required in independent claims 1 and 2.

Furthermore, Claims 1 and 2, from which claims 3-16 and 26-27 depend, now also recite “such that at least part of the lattices extend beyond the displacers on the downward side of the lattice-work.” Carl does not even provide a lattice, as already admitted. Breuning cannot provide this additional limitation as the beam (21) is welded to the lower mesh (12), as shown in FIG. 4. Accordingly, for at least these reasons, withdrawal of the rejection of claims 1-16 and 26-27 is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Respectfully submitted,
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